

## REMARKS

Claims 1-15 are pending in this application. Applicant appreciates the Office's acknowledgement that claims 2, 5-13 and 15 are directed to allowable subject matter if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

The Office, however, has finally rejected claims 1, 3, 4 and 14 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,699,461 (Barnes). Applicant has reviewed the Barnes '461 patent and respectfully submits that all of the pending claims, 1-15, are both novel and inventive in view of the Barnes '461 patent.

The Office Action dated July 25, 2008 submits that Barnes discloses "a container 11 including a dust chamber 15 having a closure in the form of a support tray 21 which closes the opening of a chamber 15. The supporting tray 21 can be slid incrementally outward in stages from a fully closed position to a fully open position."

The present invention as defined in independent claims 1 and 14 is novel and non-obvious in view of the Barnes '481 patent disclosure. There is no disclosure or suggestion in Barnes that "the actuator means can be operated to provide staged dirt discharge by partially opening the closure, to provide a restricted outlet for fine dirt, before fully opening the closure." The actuator means of Barnes (handle 24) can be retracted and as such withdraws the tray from the vacuum cleaner which thereby allows the filter bag 55 to be removed from the vacuum cleaner and disposed of such that it can be replaced by a new bag. There is no possible way in which the handle 24 in Barnes can be operated to provide staged dirt discharge by partially opening the closure to provide a restricted outlet for fine dirt before fully opening the closure. Instead, the handle must be completely retracted from the cleaner body for disposal of the bag. The tray is then simply inverted over a suitable receptacle wherein the floor filter bag falls into

the receptacle. Accordingly, even if the handle was operated in staged opening (which would have no purpose), dirt discharge would be impossible as the bag would only be able to be released from the cleaner once the tray 21 was completely retracted.

The present invention defined in independent claims 1 and 14 is arranged such that the closure is initially partially opened allowing fine dirt and dust to be emptied in a controlled manner, then subsequently opened to allow the coarse dirt to pass through. This therefore provides a clean and hygienic way of emptying the receptacle, avoiding the problem of dust contamination when all of the dirt is released in a single stage.

There is no suggestion of enabling the actuator means to provide staged dirt discharge in Barnes or any other cited document. Accordingly, applicant respectfully requests that a timely Notice of Allowance be issued for pending claims 1-15

Respectfully submitted,

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